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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,505	12/26/2000	Serge Haumont	975.319USW1	3359

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EXAMINER

FERGUSON, KEITH

ART UNIT PAPER NUMBER

2683

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/748,505	Applicant(s) HAUMONT ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-39 and 41-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 29-39, 41-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 29-31, 34, 41-44 and 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Parsons et al., newly recited reference.

Regarding claim 29, Orlen et al. discloses a method for providing service to a subscriber in a network (col. 3 lines 47-65 and col. 5 lines 20-48) comprising the steps of providing a network related information (localized and positional information) related to said subscriber (col. 6 line 50 through col. 7 line 16), generating a service message on the basis of said provided network (base station) (col. 7 lines 63-65); and transmitting said service message to said subscriber (col. 7 lines 63-65), said network information is provided for service provider (col. 6 lines 50-54); and said service message is an message generated by said service provider (col. 6 line 50 through col. 7 line 18); said service network message is transmitted to all those subscriber for which the same network related information is provided to the service provider

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(inherent, when the mobile stations communicates with the base station to receive the establishment who places information on the network is sent to mobile stations that are in communication with the base station, as taught in col. 6 line 50 through col. 7 line 16). Orlen et al. differs from claim 29 of the present invention in that it does not disclose network related information of the subscriber is transmitted in a header of a packet transmitted by the mobile station of the subscriber. Parsons et al. teaches an IP address of a subscriber is transmitted in a header of a packet transmitted by the subscriber to a network for security check (col. 13 lines 34-60), if the subscriber IP address is not correct, service is not rendered (col. 13 lines 34-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Orlen et al. with the network related information of the subscriber is transmitted in a header of a packet transmitted by the mobile station of the subscriber in order for the base station of the network to check to see if the portable telephone is authorized to receive the localized and positional information, as taught by Parsons et al..

Regarding claims 30 and 31, Orlen et al. discloses said network information relates to an operating state of a mobile station (col. 10 lines 48-51).

Regarding claim 34, Orlen et al. discloses said service message is transmitted when said mobile is reachable (col. 10 lines 60-67).

Regarding claim 41, Orlen et al. discloses a second packet which encapsulates the packet transmitted by the mobile station (col. 10 lines 60-67).

Regarding claims 42 and 52, Orlen et al. discloses the network information of the subscriber is stored in a storing means in dependence on a predetermined subscriber condition

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(subscriber location near base station) (col. 7 lines 11-18) and wherein said storage means is accessible to the service provider (col. 6 line 50 through col. 6 line 5).

Regarding claim 43, Orlen et al. discloses the service provider reads the storing means by using a predetermined key relating to the subscriber (col. 11 lines 24-30).

Regarding claim 48,49 and 51, Orlen et al. discloses a system (fig. 1) for providing a service to a subscriber in a network (col. 3 lines 47-65 and col. 5 lines 20-48), comprising providing means (wireless communication) for providing a network related (localized and positional information) information related to said subscriber (col. 6 line 50 through col. 7 line 16); and control means (base station) for controlling and transmitting the provision of said network information in dependence on a predetermined subscriber condition (operating state of the radio telephone) (col. 10 lines 48-51), said providing means (radiotelephone) is arranged to provide said network information for a service provider connected to said network (col. 6 line 50 through col. 7 line 16); and said service provider is arranged to generate an message (localized and positional information) on the basis of said network information (col. 6 line 50 through col. 7 line 16), said message being transmitted to said subscriber (col. 7 lines 14-

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18), said service network message is transmitted to all those subscriber for which the same network related information is provided to the service provider (inherent, when the mobile stations communicates with the base station to receive the establishment who places information on the network is sent to mobile stations that are in communication with the base station, as taught in col. 6 line 50 through col. 7 line 16). Orlen et al. differs from claim 48 of the present invention in that it does not disclose network related information of the subscriber is transmitted in a header of a packet transmitted by the mobile station of the subscriber. Parsons et al. teaches an IP address of a subscriber is transmitted in a header of a packet transmitted by the subscriber to a network for security check (col. 13 lines 34-60), if the subscriber IP address is not correct, service is not rendered (col. 13 lines 34-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Orlen et al. with the network related information of the subscriber is transmitted in a header of a packet transmitted by the mobile station of the subscriber in order for the base station of the network to check to see if the portable telephone is authorized to receive the localized and positional information, as taught by Parsons et al..

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Regarding claim 50, Orlen et al. discloses a data base for converting a cell identification of the mobile station into location (fig. 8 number 660 and description).

Regarding claims 36,44,53 and 54, Orlen et al. discloses said predetermined subscriber condition (mobile station in data mode) a request from a subscriber (col. 10 lines 60-65) or a subscription (billing for the localized information) (col. 6 lines 15-21).

4. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Parsons et al. as applied to claim 29 above and in further view of Foladare et al..

Regarding claim 32, the combination of Orlen et al. of Parsons et al. differs from claim 32 of the present invention in that they do not disclose a header (summary) message of an unread mail stored in a mail server. Foladare et al. teaches a header message of an unread mail stored in a mail server (col. 1 lines 41-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Orlen et al. of Parsons et al. with a header message of an unread mail stored in a mail server so that a advertiser or shopping mall could send sale price text mail bulletins to the mobile station, as taught by Foladare et al..

5. Claims 33,35-38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Parsons et al. as applied to claims 29 and 30 above and in further view of Jasinski.

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Regarding claim 33, the combination of Orlen et al. of Parsons et al. differs from claim 33 of the present invention in that they do not disclose a stock price change. Jasinski teaches receiving information on New York Stock Exchange (NYSE) (i.e. stock price change) (col. 3 lines 52 through col. 4 line 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Orlen et al. of Parsons et al. with a service message is a stock exchange change in order to invest wisely and to buy stocks based upon the up and down stock prices, as taught by Jasinski.

Regarding claims 35-38 and 45, the combination of Orlen et al. of Parsons et al. differs from claims 35-38 and 45 of the present invention in that they not disclose the network information request of the subscriber (mobile station) is transmitted by a network operator to the provider of the external message in dependence on a predetermined subscriber condition (subscription). Jasinski teaches the network information request of the subscriber (mobile station) is transmitted by a network operator to the provider of the external message (col. 6 lines 31-37) in dependence on a predetermined subscriber condition (has access to information) (col. 6 lines 24-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Orlen et al. of Parsons et al. with the network information request of the subscriber (mobile station) is transmitted by a network operator to the provider of the external message in dependence on a

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predetermined subscriber condition (subscription) in order to gather information of new establishments which are not stored at the base station if the mobile station has a service agreement with the network, as taught by Jasinski.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Parsons et al. and Jasinski as applied to claims 29,30,35 and 36 above and in further view of Chen.

Regarding claim 39, the combination of Orlen et al., Parsons et al. and Jasinski differs from claim 39 of the present invention in that it do not disclose a network operator receives the request including a service provider address, retrieves location coordinates of the subscriber and transmits the location to the service provider using the received address. Chen teaches network operator receives the request including a service provider address (911), retrieves location coordinates (coverage area 60) of the subscriber and transmits the location to the service provider using the received address (col. 3 lines 64 through col. 4 line 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of the combination of Orlen et al., Parsons et al. and Jasinski with a network operator receives the request including a service provider address, retrieves location coordinates of the subscriber and transmits the location to the service provider using the received address in order to request emergency assistant from a hospital to receive medical attention in case of an accident, as taught by Chen.

7. Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Parson et al. and Jasinski as applied to claims 29,30 and 35 above and in further view of Bhatia (WO 98/21913)..

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Regarding claims 46 and 47, the combination of Orlen et al., Parson et al. and Jasinski differs from claims 46 and 47 of the present invention in that it do not disclose an activation of a predetermined supplementary service and the subscriber is located in his home area. Bhatia teaches a predetermined supplementary service (page 3 lines 9-24) and the subscriber is located in his home area (page 3 lines 25-29 and page 4 lines 19-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Orlen et al., Parson et al. and Jasinski with an activation of a predetermined supplementary service and the subscriber is located in his home area in order to use a protocol which enable user interaction with the network when requesting information of local interests which are located within the mobile station home area, as taught by Bhatia.

8. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orlen et al. in view of Parson et al. as applied to claim 48 above and in further view of Bhatia (WO 98/21913).

Regarding claims 55 and 56, the combination of Orlen et al. and Parson et al. differs from claims 55 and 56 of the present invention in that they do not disclose an activation of a predetermined supplementary service and the subscriber is located in his home area. Bhatia teaches a predetermined supplementary service (page 3 lines 9-24) and the subscriber is located in his home area (page 3 lines 25-29 and page 4 lines 19-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the combination of Orlen et al. and Parson et al. with an activation of a predetermined supplementary service and the

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subscriber is located in his home area in order to use a protocol which enable user interaction with the network when requesting information of local interests which are located within the mobile station home area, as taught by Bhatia.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T.


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Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson 
Art Unit 2683
November 3, 2004


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